

REMARKS

Claims 1-8, 10-21, 23-24, 26-28, and 30 are now pending in the application. Claims 2, 11, 13, 26, 27, and 28 are currently amended. Claims 9, 22, 25, and 29 have been cancelled. No new matter has been added as support for the amendments may be found throughout the specification, claims, and drawings as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTIONS MAINTAINED

Claim 13 is objected to because "Mycobacterium tuberculosis" should be in italics. Applicant has amended the claim accordingly. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

CLAIM OBJECTIONS

Claim 11 is objected to because there should be a space between 8 and further in "8further". Applicant has amended the claim accordingly. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 112

Claims 2, 14-16, and 25-29 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Applicant has amended claim 2 to clearly point out the claimed subject matter. Claim 2 now recites “the polypeptide is selected from the group”.

Applicant has cancelled claim 25 and amended claims 26 and 27 as independent claims. Amended claims 26 and 27 now clearly point out and distinctly claim the claimed subject matters.

Applicant has amended claim 28, reciting “culturing the sample in a medium comprising histidine” instead of “culturing the sample in differential medium”, to more clearly point out the claimed subject matter.

Claims 14-16 now clearly point out the claimed subject matter, since claim 13 has been amended as stated above.

Applicant has amended claim 2, and 26-28, and cancelled claims 25 and 29 to address the rejection. Therefore, reconsideration and withdrawal of this rejection are respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Application No. 10/511,718
Amendment dated
After Final Office Action of December 23, 2008

Docket No.: 9896-000053/US/NP

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0750, under Order No. 9896-000053/US/NP from which the undersigned is authorized to draw.

Dated: March 23, 2009

Respectfully submitted,

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